



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,200	12/28/2004	Antoine Bassompierre	W51.12-0015	3476

27367 7590 07/06/2006

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

EXAMINER

PHAM, TUAN

ART UNIT PAPER NUMBER

2618

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/501,200	Applicant(s) BASSOMPIERE ET AL.	
	Examiner TUAN A. PHAM	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1, 4-5, 9, 11, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen").**

Regarding claims 1, and 12-14, Chen teaches a method and transmission device for management of communication in a communication network comprising at least one transmission device (read on base station)(see figure 6, base station BS1) and at least one terminal (read on remote station)(see figure 6, remote station) adapted

Art Unit: 2618

to receiving data from the said at least one transmission device (see figure 6, the remote station is receiving the data from the base station BS1) wherein the method comprises: setting up a communication between one of the said transmission devices called the transmission device, and one of the said terminals called the receiving terminal, using a first communication mode based on a single carrier modulation (read on first mode is based on single carrier protocol)(see figure 6, col.6, [0082]); and changeover to a second communication mode using a multiple carrier modulation, a communication channel using the said multiple carrier modulation being assigned to the communication between the said transmission device and the said receiving terminal (read on second mode is based on multi-carrier protocol)(see figure 7, col.6, [0082]); the first and second communication modes being implemented successively and alternately (see figure 6, figure 7, col.6, [0082]), and wherein the changeover to the second communication mode is implemented according to at least one signaling information transmitted by the transmission device to the receiving terminal through the first communication mode (see figure 6, figure 7, col.6, [0082]).

Regarding claim 4, Chen further teaches said first communication mode is adapted to carrying out operations for management of setting up, maintaining, and closing of a communication between the transmission device and the receiving terminal (see figure 6, figure 7, col.6, [0082], base station is performed the hand-off, therefore, it perform all functions such as setup, and maintain the communication between the base station and mobile device).

Regarding claim 5, Chen further teaches said communication network is a mobile communication network (see figure 1).

Regarding claim 9, Chen further teaches said second communication mode is adapted to transmitting data at high speed between the said transmission device and the said receiving terminal (see col.6, [0079]).

Regarding claim 11, Chen teaches the said transmission device is a base station in a cellular communication network (see figure 6).

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Alard (U.S. Patent No.: 6,584,068).

Regarding claim 2, Chen discloses invention but fails to disclose OFDM type modulation with a guard interval. However, Alard teaches such features (see col.4, ln.27-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Alard into view of Chen in order to limited the interference as suggested by Alard at column 4, lines 62-67.

Regarding claim 3, Alard teaches said multiple carrier modulation is an IOTA type modulation (see col.8, ln.25-32).

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Jou (U.S. Patent No.: 6,925,067, hereinafter, "Jou").

Regarding claim 6, Chen discloses invention but fails to disclose the common channel that is intended to all the terminals managed by the said transmission device. However, Jou teaches such features (see col.10, ln.16-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Jou into view of Chen in order to use a common channel to communicate with all the mobile phone.

Regarding claim 7, Jou teaches said first communication mode uses at least one access channel type downlink common channel, enabling the said changeover to the said second communication mode (see col.11, ln.54-67).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Bohnke (U.S. Patent No.: 6,567,383).

Regarding claim 8, Chen discloses invention but fails to disclose uplink common channel (RACH) to acknowledge data transmitted correctly to the said reception terminal when the second communication mode is being used. However, Bohnke teaches such features (see col.7, ln.26-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bohnke into view of Chen in order to transmit the data by using the uplink channel.

7. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Dolgonos et al. (Pub. No.: US 2002/0147978, hereinafter, "Dolgonos").**

Regarding claim 10, Chen discloses invention but fails to disclose Internet type data to the said receiving terminal. However, Dolgonos teaches such features (see [0008]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dolgonos into view of Chen in order to transmit the high-speed data.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2618

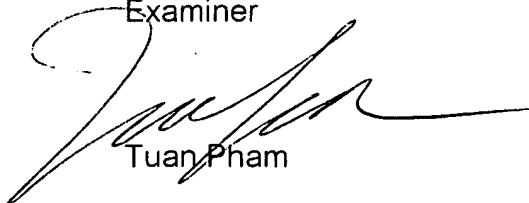
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618
June 1, 2006
Examiner



Tuan Pham

Supervisory Patent Examiner
Technology Center 2600



Matthew Anderson